



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

BY ECF

June 17, 2020

The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: Yang v. Kellner, at al., No. 20-cv-3325

Dear Judge Torres:

This Office represents defendants Douglas A. Kellner, Andrew Spano, Peter S. Kosinski, Todd D. Valentine, Robert A. Brehm, the New York State Board of Elections (the “Board of Elections”), and Governor Andrew Cuomo (collectively, the “State Defendants”).

Pursuant to the Court’s order of May 21, 2020 (ECF no. 49), the State Defendants’ deadline to answer or otherwise respond to the Second Amended Complaint and Intervenor Complaint (the “Complaints”) is currently set at June 22, 2020. For the reasons below, the State Defendants respectfully request an additional 30-day extension of this deadline, to July 22, 2020.

In light of the State Defendants’ determination not to further contest the Court’s May 5, 2020 Order (as communicated to the Court by the State Defendants by letter dated May 21, 2020 (ECF no. 48)) and that the New York Democratic presidential primary election will be held this upcoming Tuesday, June 23, 2020, the parties are in agreement that there remain no further substantive issues to be litigated in this case. The parties are currently engaged in good-faith negotiations to reach a consensual resolution to this matter in its entirety, including with regard to Plaintiffs’ and Plaintiff-Intervenors’ demand for attorney’s fees and costs pursuant to 42 U.S.C. § 1988. The parties have made significant progress in this regard, but additional time is required to reach a final agreement and draft a stipulation and proposed order.

Accordingly, the State Defendants respectfully request that the Court further adjourn the deadline to respond to the Complaints by an additional 30 days, to July 22, 2020. Plaintiffs and Intervenor-Plaintiffs have kindly consented to this request.

Thank you for your attention to this matter.

Honorable Analisa Torres
June 17, 2020

Respectfully submitted,

/s/ Matthew L. Conrad
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cc: Counsel of record (by ECF)